SINGLE BENCH

03

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 3942 / 2005

Petitioner : Rajendra Kumar Jain
Aged about 41 years,
S/o Shri Nathmal Jain,
R/o Dongargaon,
Tehsil - Dongargaon
Dist : Rajnandgaon-(C.G.),

P.R. 3533/05
Presented by Shri Deepak Jain
dated 22/7/05

Versus

Respondents :

1. State of Chhattisgarh,
Through – Secretary,
General Administration,
D.K.S. Bhawan,
Raipur-(C.G.)

2. The Tehsildar,
Dongargaon,
Dist : Rajnandgaon-(C.G.)

3. The Collector,
Rajnandgaon,
Dist : Rajnandgaon-(C.G.)

WRIT PETITION UNDER ARTICLES 226 / 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 3442 सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	01.08.2005 Shri Deepak Jain, counsel for the petitioner. Shri Vivek Sharma, Panel Lawyer for the State/respondents. Heard. By way of this writ petition filed under Article 226/227 of the Constitution of India, the petitioner who is working on the post of Asstt. Grade-III in Tahsil Office has challenged the validity of his transfer from Dongargaon to Dongargarh. Learned counsel for the petitioner submits that the distance between Dongargaon to Dongargarh is 50 Kms. He further submits that the wife of the petitioner namely Smt. Amrita Jain is working as A.N.M., Sub Health Center, Village Kumardha which is at the distance of 11 Kms from Dongargaon. Since the husband and wife are living together in Dogargaon, therefore, it was possible for his wife to go to her place of posting and performed her duties. He also submits that after transfer of the petitioner from Dongargaon to Dongargarh it would be difficult for the wife of the petitioner to live alone in Dongargaon and served her duties. He further submits that according to the policy of the State Government as far as possible husband and wife should be posted at one place and the present order of transfer dated 31.07.2004 is in violation of the State policy.	

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner draws the attention of this Court towards Annexure-P/2 which is an order of cancellation by which is transfers order of some persons of the transfer list dated 31.07.2004 have been cancelled on the ground of violation of policy itself.

I have perused the records of the writ petition and have also heard the arguments of learned counsel for the petitioner as well as respondents.

It appears to me that after passing of the order of transfer vide Annexure-P/1 which relates to as many as 13 persons, the transfer of 5 persons have been cancelled on the ground of violation of policy. If the State has entertained the application or representation of other similarly situated person and has cancelled the order of transfer then there was no reason with the authority of the State for not entertaining the application of the petitioner, which according to the petitioner was filed on 22.08.2004.

In the facts and circumstances of the case, I do hereby direct that the petitioner shall filed a detailed representation along with certified copy of this order and the copy of the writ petition before the competent authority within a period of 15 day from today and if such a representation is filed, the competent authority shall decide the same as early as possible preferably within a period of 3 weeks from the receipt of the said representation on the analogy

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	applied in the cases of persons mentioned in cancellation order dated 20.9.2004 and also on the policy regarding husband and wife. With the aforesaid observations, the petition stands finally disposed of. Certified copy as per rules. **Sd/-** **Sunil Kumar Sinha** **Judge**	

Vetti

(पीछे देखिये)